

REMARKS

This application has been reviewed in light of the Office Action dated May 29, 2008. Claims 1, 7-9, 15, 19, 20, 30, 31, 37 and 38 have been cancelled without prejudice or disclaimer and will not be discussed further. Claims 21-27 and 49 are presented for examination, of which Claims 21 and 49 are in independent form and have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 21-24, 27 and 49 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 6,658,196 (Sakai et al.) and 5,721,856 (Takeuchi), taken in combination, Claim 25, as being obvious from those two patents in view of U.S. Patent 5,559,562 (Ferster), and Claim 26, as being obvious from the two patents in view of U.S. Patent 5,974,220 (Kajimoto).

As discussed in the specification, during the editing of moving-image data, it is often desirable to apply special effects, such as wipe and dissolve. In conventional nonlinear editing, special effects are effected directly on input data. This makes it difficult to replace an applied special effect with another. The present invention leaves intact the original moving-image data but keeps track of what each special effect is, what the new moving-image data containing the special effect looks like, how to apply and undo the special effect, and so on.

Specifically, the invention deals with the case where the original data is divided into predetermined encoding units and the playback start/end point is expected to be aligned with the boundary of an encoding unit. However, the length of a special effect may not be a multiple of the size of an encoding unit. In such a case, the present invention

supports the creation of new data – modified information data – that contains not only the special effect but appropriate “padding material” consisting of data before/after the playback start/end point so as to give the new data a length that is a multiple of the size of an encoding unit and allow a smooth transition to/from the data to be played after/before the new data.

As the new data is created, the present invention keeps track of exactly where the special effect is located within the new data – that is the modified section, and the remaining portion of the new data would be the unmodified section. It therefore provides complete information about various pieces of moving-image data and offers great flexibility in working with these data.

Claim 21 recites, among other features, “description data generating means... the modified information data having a non-modified section on which the modification processing is not performed and a modified section on which the modification processing is performed; section information generating means for generating section information discriminating the modified section from the non-modified section in the modified information data by a start time or an end time, a length of the non-modified section being changed according to the start time or end time.”

Applicant submits that the capability of handling the situation where the playback start/end point is expected to be aligned with the boundary of a predetermined encoding unit is not disclosed or taught in *Sakai*. As Applicant understands, *Sakai* relates to an editing apparatus for editing video recorded on optical disk by merging two video signals and specifying transition periods where the combined video signal transitions from the first video signal to the second one. By definition, a special effect or a transition takes

place from the beginning to the end of a transition period. Therefore, the new moving-image data, which always corresponds precisely to the transition period, always consists of the special effect and nothing else. Certainly, there is no suggestion of or reference to the recording (in the optical disk) of any information about the internals or any sub-section of any new data.

The Office Action states that the modification processing in *Sakai* or the merging of two video signals is performed by an operation which assigns weights to the two video signals where the weight is zero for one of the signals at either edge of a transition period, which means that the resulting data is not modified at the edges. Even assuming that this interpretation were correct, there appear to be invariable non-modified “sections” located at the edges, each with a constant length that is never “changed according to the start time or the end time” of a transition or any special effect, as recited in Claim 21.

Applicant submits, however, that the transition is actually continuous and gradual, which means that there is no non-modified section within the new data that is non-empty, with distinct starting point and end point, and the new data simply consists of one modified section. Consequently, there does not exist any section information “discriminating the modified section from the non-modified section by a start time and an end time,” as recited in Claim 21.

Takeuchi does not remedy the deficiency noted above. Accordingly, for at least the reasons presented above, Claim 21 is believed to be allowable over *Sakai* and *Takeuchi*.

Independent Claim 49 corresponds to Claim 21 and is believed to be patentable for at least the same reasons as discussed above in connection with the latter claim.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/

Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200